

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL ACTION NO.
MICHAEL ROBATEAU,)	04-10382-NG
)	
Defendant.)	

ASSENTED-TO MOTION FOR ORDER OF EXCLUDABLE DELAY
FROM JANUARY 24, 2007 UNTIL JULY 30, 2007

Now comes the United States of America, by and through the undersigned counsel, and moves for an order of excludable delay from January 24, 2007 until July 30, 2007. In support of its motion, the government sets forth the following:

1. On January 24, 2007, the parties appeared for a final status conference before Magistrate Judge Judith G. Dein and reported that they were continuing to discuss the possibility of resolving the criminal charge in this case without recourse to a trial; that they needed additional time to determine if this matter could be resolved without a trial; that there was no other reason for maintaining the matter before Magistrate Judge Dein; that there was no reason not to report this matter to the District Court either for a change of plea or for a trial date; and that the parties would continue to explore a resolution of the matter while awaiting an appearance before the District Court.

2. Magistrate Judge Dein did report this matter to the District Court in a Final Status Report docketed on January 24, 2007.

3. On April 3, 2007, the parties appeared before the District Court. Defense counsel indicated that the defendant required additional time within which to decide whether to proceed to trial or to resolve this matter with a plea. In particular, defense counsel reported to the Court that the cooperating witness ("CW") in this case recently testified in another trial and that defense counsel wished to obtain a transcript of that testimony and take other steps to evaluate the CW's testimony as part of his process for recommending whether the defendant proceed to trial or not.

4. Based on the foregoing, the Court set a trial date of July 30, 2007.

5. The defendant, through counsel, agreed that the period of time from January 24 until July 30, 2007 should be deemed excludable delay for purposes of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) on the grounds that the interests of justice are served by allowing the defendant additional time within which to evaluate his options and outweigh the best interests of the public and the defendant in a speedy trial.

For all the foregoing reasons, the government respectfully requests that this Honorable Court grant its motion by issuing an order of excludable delay for the period from January 24, 2007

until July 30, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

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Dated: April 3, 2007

CERTIFICATE OF SERVICE

I, Patrick Hamilton, do hereby certify that a copy of the foregoing was served this date on counsel of record for the defendant via electronic filing.

Date: April 3, 2007 s/Patrick Hamilton/
Patrick M. Hamilton